

REMARKS

Claims 18, 19, 24, 29-38, and 40-60 are pending in this application, all of which stand rejected. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 18, 19, 24, 29-38, and 40-60 stand rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Patent No. 6,558,382 issued to Jahns et al. (“Jahns”). Without acquiescence that Jahns is a §102(e) prior art reference, and without prejudice to antedate this reference should it become necessary, Applicant respectfully traverses this rejection, since Jahns does not disclose each and every element required by these claims.

In particular, while the surface on which the electrodes 322, 342 of the Fig. 3 embodiment of Jahns does not constitute opposing surfaces of a wall thickness, as required by the claims, to expedite the prosecution of this application, Applicant has amended independent claims 1 and 40 to explicitly require the first and second locations to be on opposite sides of the wall thickness. In contrast, to the extent that the electrodes 322, 342 of the Jahns device can be characterized as being placed adjacent first and second adjacent opposing surfaces of a wall thickness, they are not placed on opposite sides of the wall thickness.

Independent claim 53 has been amended to clarify that the ablation energy is delivered through the myocardial tissue of the heart between the ablative and ground elements while in contact with epicardial and endocardial surfaces of the heart. The electrodes 322, 342 of the Fig. 3 embodiment of Jahns are not disclosed as being respectively placed in contact with the epicardial

and endocardial surfaces of a heart while ablation energy is delivered through the myocardial tissue of the heart—nor does the Fig. 3 embodiment of Jahns appear to even have this capability.

Thus, Applicant submits that independent claims 18, 40, and 53, as well as the claims depending therefrom (claims 19, 24, 29-38, 41-52, and 54-60), are not anticipated by Jahns, and as such, respectfully request withdrawal of the §102 rejections of these claims.

Conclusion

Based on the foregoing, it is believed that all claims are allowable, and thus, a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

VISTA IP LAW GROUP LLP

Dated: June 5, 2006  
By:   
Michael J. Bolan  
Reg. No. 42,339

Customer No. 23410  
Vista IP Law Group LLP  
2040 Main Street, 9<sup>th</sup> Floor  
Irvine, CA 92614